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DATE: January 11, 2007

TO: Examiner Christopher L. Lavin

TC Art Unit: 2624

FROM: Charles L. Gagnebin III

Our File: MULL-021XX

Your Ref:

Application No. 09/869,638 Filed Date: February 8, 2002 Confirmation No.: 5891

Fax No.: (571) 273 8300

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Sent by: Mary Ellen Shea

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> PLEASE DELIVER DIRECTLY TO: EXAMINER CHRISTOPHER L. LAVIN, Tel. (571) 272-7392 TC ART UNIT NO: 2624

FOR ENTRY

Enclosed for filing please find a: NOTICE OF APPEAL

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment

Attorney for Applicant: Charles L. Sagnebin III

Registration No. 25,467

CLG:mes/346629.1

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP

WSGL

Ten Post Office Square Boston, Massachusetts 02109 Telephone: (617) 542-2290 Telecopier: (617) 451-0313

Date: January 11, 2007

Attorney
Docket No.: MULL-021XX

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: Tim Wilhelm Nattkemper et al.

Entitled: METHOD FOR THE AUTOMATIC ANALYSIS OF MICROSCOPE IMAGES

VIA FACSIMILE

sir:

Applicant hereby appeals to the Board of Appeals from the decision dated July 13, 2006, of the Examiner finally rejecting claims 1-9, 11 and 13-15.

The Commissioner is authorized to charge payment of \$250.00 to Deposit Account No. 23-0804 for the cost of the Notice of Appeal.

The following checked items are appropriate:

A timely response to the final rejection:

[] has been filed [] is hereby filed

An extension of time to respond to the final rejection:

- [] was requested on ______ for __ month(s);
- 2. [X] is hereby requested for 3 month(s) the Commissioner is authorized to charge payment of \$510.00 to Deposit Account No. 23-0804.
- 3. [] is included on the enclosed amendment transmittal form along authorization to charge \$_____ to Deposit Account No. 23-0804 for the extension fee.
- [] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- [X] The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.
- I hereby certify that this correspondence is being sent via facsimile to Examiner Christopher L. Lavin, TC Art Unit 2624, Fax No. (571) 273 8300 00 1-11-07.

01/16/2007 AWONDAF1 00000024 230804 09869638

01 FC:2401 250.00 DA

Attorney of Record: Charles L/ Gagnerin III

Registration No.: 25,467

CLG:mes/346628.1

PAGE 2/2 * RCVD AT 1/11/2007 1:23:25 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/10 * DNIS:2738300 * CSID:6176950892 * DURATION (mm-ss):00-54 01/16/2007 ANDNDAF1 00000143 230804 09869638

01 FC:2253